

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

Anthony G Shine
3401 Grand River Apt 205
Det, MI 48208

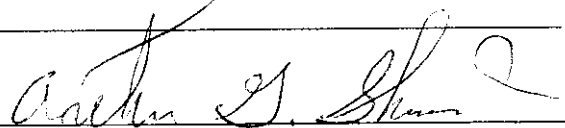
, Plaintiff

Case: 2:11-cv-13549
Judge: Cohn, Avern
MJ: Michelson, Laurie J.
Filed: 08-15-2011 At 09:13 AM
CMP SHINE V. AGGRAY ET AL (DA)

Joe Defendant / Eric Aggray
and or John Dingell VA Medical
Center.

, Defendant(s).

See Attach.


Signature of Plaintiff

Street Address

City, State, Zipcode

Telephone Number

Date

3901 Grand River Apt. 205
Det, MI 48208
313-213-8683

08-12-11

Appointment at Detroit VA hospital

On Friday 09-17-2010, I had an appointment at Detroit VA hospital, to see a knee surgeon, because of the pain, tingling, and stiffness, all threw my muscles and joints, from the top of my neck, down to the tip, of my right toe, on the right side of my body.

I had made the appointment, about two weeks, after it had first begun. I arrived in the x-ray waiting room about 7:01am. I was hoping to have, all of the x-rays completed before my 8:30 appointment, so the knee surgeon could review them.

I had call and made this appointment for x-rays a few days before 09-17-2010. On top, of the counter, was a prepared sign in sheet. I had signed the sheet, and took a seat and waited for an x-ray technician, to come. I was the only one there, at the time.

At about 7:07am, a woman came in the waiting room, then a man about 7:10am, and he had sat down. However, still, no x-ray tech. At about, 7:25am, the x-ray technician had appeared. He had asked the woman and then the man, why was they here? I waited patiently, until he had gotten to me. I had explained that I need some x-rays done, for my 8:00 appointment with the knee surgeon. He asks my last name and last four digits of my Social Security number.

The x-ray tech found my work order, on the VA computer. He called out my name and then asks me to come with him. It had taken me, a moment, to get up, out of the chair and when I did, he was already gone. I walk toward the new computerize x-ray room. I was in there much time before. However, this time, it was very dark, back there. I stood at the x-ray doorway. I was not sure which way he went, where he wanted me to go or do. I did not know if there were, other patients, being x-rayed, back there. Therefore, I call out. Hello! Hello! Will I need a hospital gown? What should I do with my keys, the loose change, and my metal walking cane? I waited for someone to answer.

He came out of the dark x-ray control room, and then, said to me. You will not need a hospital gown. We are doing your knees and which hip? He had asked me. It is my right hip. I had replied. I had followed him into the dark x-ray room. Just stand here, he had said to me, as he led me towards an x-ray wall plate or panel. He was pointing to an (mark) on the x-ray wall plate, and said, stand here with your back to it and just drop your pants down to your ankles.

I was wearing a gold chain around my right wrist, with a gold cross and chain around my neck, and had my hollow metal walking cane with me, because of my low to middle chronic back problems. I had two earlier knee replacements that I had endured in 2001 and 2005. I also have several new medical challenges and problems of pain and stiffness, in the joints of my knees, and my right hip, that really concerns me. Then the x-ray tech, turn and walked back to the control room.

I took my keys out of my pants pockets and put them in my front hooded pockets and I pull my pants down to my ankles, like I was instructed, by the VAMC, x-ray technician.

I was wearing a hooded sweatshirt and button up dress shirt, so I had place, my keys inside of my sweatshirt, and placed my metal eyeglass, in the pocket of my button up dress shirt. I had raise the two shirt above my chest with my right hand, leaving my, tee shirt and boxer briefs expose, for all could see. I could hear the patient's out in the waiting area, and there were nothing else between them and me. Naturally, I failed, very uncomfortable, not being fully dressed, with all of the x-ray room doors, standing wide open. However, I had, still had done, all that was asked, of me, by the x-ray technician.

The x-ray technician, shouted from the control room. Move a little to the left. He had said to me.

I did what I was instructed. With my pants down to my ankles, I carefully move a little to my left.

Then he shouted. Do not move! I had heard the x-ray machine take two or three x-rays. Then I herded the sound of a camera, taking four or five pictures.

He came out of the x-ray control room, went straight to the x-ray plate that was right in front of me.

He had bend, stoop, or crouch downward, with his back to me, and adjusted the x-ray plates, that were about, 2 or 3 foot, in front of me.

He turns toward me, still stooping or crouching downward. The x-ray tech had not raised his head above my chest. He took one or two steps toward me and then he stopped in front of me. He reach over my left, upper thigh, and brush the head of my penis, with his right hand and then he took a tag, off of the x-ray plate, that was on the left side of me, and replace it with a new tag.

The (x-ray tech then said to me). Turn to your left, and open your legs, a little more. We will try to get a side view of your knees now. A little more, he had said to me.

(I remember thinking). I'm going to be late for my appointment! I should had took my pants completely off. I'm getting my pants dirty! I can't open my legs turn like that. What this is man thinking, that I am, a teenager or something? What the-----

Before I could finish, that (thought).

The x-ray technician, right hand was feeling and touching my penis, again, as if he was moving, or putting it in a certain place or position, as he was moving, pushing, and opening my legs.

It surprised me; I had jerk and moved my left leg, up and away from his hand.

I was getting more and more uncomfortable and my patients were wearing thin, with the x-ray technician.

My left leg, hit the x-ray plate, behind me and it could not, go no farther.

Now, he grabbed my left leg and upper thigh, again, with his right hand, just below my penis. His hand started to move towards my penis.

I still had my walking cane, in my, left hand and I place it, on top of his, right wrist, hoping to keep his hand away from my penis.

Now, the x-ray tech is all up on me and had me, penned. The left side of my buttock, back, and left leg, was bent and I was leaning, on the x-ray wall, behind me. My body, was twisted, and his hands, was moving everywhere, as if he was playing some kind of game or something with me.

I could not move backward, because the wall was supporting most of my body weight. In addition, I could not move forward because the x-ray technician was in front of me, he had me penned to the wall, and he still, had not raise, his head above my waist.

The x-ray technician, had grabbed, my, left upper thigh, and my, left knee was already bent, forcing my, left leg, back into the x-ray wall behind me, I could not move, to my left side. I was standing on my left toes. I was bended over, towards the left side of my body.

I could not move my right leg at all. He had ordered me earlier, to open my legs some more, and I still had not move them.

The x-ray tech, somehow worked his left leg and foot between my right foot, I couldn't move, my lower body, my pants was still down to my ankles, both legs was still in my pants.

His, left hand and arm, was loose, grabbing and groping, the back of my, right upper thigh, moving toward my buttock.

Something does not seem right, at all. Maybe he thinks, I am falling or something, and he believe that he is helping me. Ok, people make mistakes, I must keep my cool and do not, get piss off. This cannot be right, I am, in the VA hospital? (I thought to myself).

Almost all of the muscles and joints, on the right side, of my body and left knee, were aching, stiff and very sore and painful to move. In addition, the x-ray technician had intensified and multiplied my original pain and suffering. The main reason, I was at the VA hospital that day, was to get the x-rays taken, in the hope that my knee surgeon, could see them and figure out, how to fix my new, medical conditions, I was experiencing.

My right arm and hand, was still holding my hooded sweatshirt and button up shirt, above my chest and his head. I had released them, so my hands could be free and loose. He had not penned them yet. The x-ray technician, arms and his left hands, was still free and moving closer, toward my buttock. My back, was leaning on, the x-ray wall. In addition, I was still standing on my left toes. Both of my feet's, was down in and locked in side of my pants, and my pants, was all the way down to my ankles. Lord what can I do?

I heard some people, out in the x-ray waking room. The x-ray technician had pause. He must have heard them, too. His hand stopped moving upward.

That gave me the chance, to grab his, left hand, and wrist with my right hand, before he could reach my buttock. I had moved his hand to my upper, to middle back and then shouted, at him, as loud as I could. Get your hands, off my ass! If you are helping me, grab, my back, not my ass! I was hoping and praying, it would get someone attention, out in the waiting area. However, no one ever came or looked in the open x-ray room doors.

Ok. He had said, to me. Then he had released me, began to back away. When he started to back away from me, I released his hand. I did not take my eyes off him and he did not take his eyes off me. He had back away, about 4 or 5 feet. Then turned and walked back in the x-ray control room. Then shouted, hold it right there! In a loud, calm voice. Just like, nothing had ever happened. Then he begin taking x-rays again, I heard the x-ray machine take, one or two x-rays. Then, I heard, the sound of a camera, taking three or four more pictures.

I was very confused. I did not, appreciate, and could not understand, why this person touching and feeling all over me. I began to think. I needed some kind of help with this person. He is not right, in his mind. Ok, what can I do? It looks like; I have to deal with this, all by myself. Let me see, I cannot run with my pants down. If I pull them up, that would means; I have to take my eyes off the x-ray technician. That is one thing; I cannot or will not do. I had, thought to myself.

The x-ray technician had kept repeating, from inside of the control room, something is wrong, with the, x-ray machine. I had thought. Great, just my luck, I am going to be exposed, to, x-ray poison, because of a broken x-ray machine here in the VA hospital. What is next? Then, I heard the machine,

take about 10 more pictures that had sounded, more and more like a camera. Then he had said, let us try your right knee, now. I did not reply. He came out of the control room, went to the open doorway, he looked left and then right. He had quickly walked right up to me, stops, and ordered me to turn to my right. I leg, around had repositioned myself and done what, I was instructed, by the x-ray technician. Before, I had new it. The Detroit, VA, x-ray technician had grabbed my penis, again, and my left, upper thigh, with his right hand. He was all over me. His, left hand and fingers, had move, up in, the outside of, my briefs, in the opening, of my buttock.

I had grabbed his, left hand, and fingers, out of my buttock, with my right hand. I remember the awful pain, I had endured, when I snatched, his hand, out of the crack, of my buttock and the damage that had occurred. I was so exhausted, fighting him off. Then I had encountered, a horrific shark, shooting pain, on the right side, of my body. My neck, shoulder, elbow and arm, wrist and the middle back, hip, knees, ankles and tingling in my fingers and toes. I do not know, or remember what I had said to him. However, he quickly, let me go, and then, back a way. He smelled his left hand, that was up and my buttock.

The x-ray technician had taken a few more x-rays. It was about 7:50 something, when I had stumbled out of the x-ray room. I was frightened, so weak, power-less and my manhood was threatened, and I pass the test, but I was so, embarrassed and ashamed about it. I thought, to myself, why me? I could have done more, to protect myself. I was tired, beaten and so confuse. My left knee and the muscle, joints and bones, on the right side of my body, ache, from fighting off the aggressive x-ray technician. My right arm and buttocks area was sore and aching. I had noticed, while I was slowly dressing myself, after the violent, sexual attack.

I could not dissect, nor understand, the ungodly drama, that I just endured. I did not know where to go, or who to trust, that will protect, guide and direct me, through the unnecessary and preventable crime against me. I am 50 years + and tried to protect the other patients from the drama I have suffered, there inside of the VA hospital. If this information was not, handled properly, it could, call a panic and I did not want that. However, my intuition and a sign, I had seen hanging on the wall of the x-ray room, clearly told me that I had to inform someone, right away, right now, about the violet attacked here in the veteran's hospital. I had slowly begun to walk, towards my next appointment.

I had happened to looked up, and that is when I first saw, Mr. Paul Miller. He seemed agitated while he was talking to another employee, in the main hallway of the VA hospital. I had thought, to myself. Good. There goes a patient advocate. I knew I had to discuss, this horrible, vicious unacceptable, unwanted sexual assault against me with someone, why not VA patient advocate. That is when I decided to take my complaint and concerns, through the chain of command, when I made my complaint with Mr. Miller. Unapproachable and will short with me. He appeared to have some kind of attitude. He was unwilling or untrained to assist me with the horrific, violet, and unwanted sexual assault against me, just minutes before, seen Mr. Miller. I believe he began to twists and manipulate the truth, in favor of the violator or predator. I had also failed that, Mr. Miller, began making fun of me and of the horrible situation, I had just endured. Every time, I had tried to discuss or talk to Mr. Miller about, something to do with my VACM concern, Mr. Miller always seems to be confrontational with me. I realized, talking with him, about this kind of emergency that he appeared to be untrained for emergencies like this. I felt it was a waste of time and energy. I had quickly, discontinue my complaint, with Mr. Paul Miller, and decided to seek help elsewhere. I went to my knees appointment I had had made weeks in advance.

There is, so much more that I should say about, this unwanted sexual assault against me, by an x-ray tech in the VA hospital x-ray room on 09-17-2010. This is not a complete statement. I need mental and physical help. To fix all of the horrible and mix up thing that is in my head after I had encounter this unacceptable and violet sexual assault against me, that had twisted and mix up my thoughts. I

am in a great deal of physical and mental pain. I am so embarrassed, confused, and disappointed with my VACM. I feel abandoned and ashamed that, no one, I had spoken to from, the VA medical center, had exhibit the experience, nor display the proper, training the protocols or standards expected from the patient's, senior citizens, Vietnam veteran, that had establish the local, state and federal laws. Not one, of the VA hospital professionals or their staff member, had help me or came to my aid, by taking my complaint and concern, through the VA, chain of command. No one from the VA hospital, head office me had called me, to find out what happened, nor apologize actions of the employees that had, sexual assault me, I had the endured there at the VA hospital.

I spoke to a number of the VAMC professional and their staff about this violent crime. In my heart I know this is not true but it certainly seems that no one at the VA hospital care about anything but their jobs or making a profit and It seems like the wrongdoers is protected by my VAMC. Maybe I would have gotten more satisfaction or justice if I had done more to wart of this violent predator. Could it be that the hospitals care more about running a business, then caring for the patient?

Updated on, 05-03-2011.
At 8:10 p.m.

Mr. Anthony G. Shine
313-213-8683
ashine20@gmail.com

CIVIL COVER SHEET County in which action arose

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Anthony G. Shine

(b) County of Residence of First Listed Plaintiff Wayne

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Anthony G. Shine, 3901 Grand River Apt. 205 Detroit Michigan 48208, 313-213-8683

DEFENDANTS

Joe Defendant/Eric Aggray and/or Jonh D. Dingall VA Medical Center

County of Residence of First Listed Defendant Wayne

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE

Case:2:11-cv-13549

Judge: Cohn, Avern

MJ: Michelson, Laurie J.

Filed: 08-15-2011 At 09:13 AM

CMP SHINE V. AGGRAY ET AL (DA)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP

- Citizen of This State ☒ 1 PTF ☐ 1 DEF
- Citizen of Another State ☐ 2 PTF ☐ 2 DEF
- Citizen or Subject of a Foreign Country ☐ 3 PTF ☐ 3 DEF
- Incorporated or Principal Place of Business In This State ☐ 4 PTF ☒ 4 DEF
- Incorporated and Principal Place of Business In Another State ☐ 5 PTF ☐ 5 DEF
- Foreign Nation ☐ 6 PTF ☐ 6 DEF

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input checked="" type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

I was Sexually Assaulted, at the Jonh Dingill VA Medical Center, by a x-ray tech, while getting x-rays for an appointment I had there that day.

VII. REQUESTED IN COMPLAINT:
☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23
DEMAND \$ \$2,500,000

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

August 12, 2011

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

PURSUANT TO LOCAL RULE 83.11

1. Is this a case that has been previously dismissed?

☐ Yes
☒ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

☐ Yes
☒ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

Notes :
